



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-5171



ADMINISTRATIVELY CLOSED

08/05

January 27, 2003

LETTER OF DEFICIENCY #WSEB 03-007

Certified Mail #7099 3400 0003 0689 4853

Kim Levesque
Times Are Good Inc.
346 Hooksett Road
Auburn, NH 03032

Subject: Auburn - Public Water System: For the Good Times Restaurant (EPA #0138010)

Dear Ms. Levesque:

The records of the NH Department of Environmental Services (DES) show that For the Good Times Restaurant water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326. Pursuant to Env-Ws 351, the failure to submit a chemical sample within the assigned sampling quarter requires that public notice of such failure be given to all consumers.

DES records show that the subject water system failed to submit the following chemical sample results within the assigned sampling quarter for the following monitoring period (calendar quarter):

Second Quarter 2002 – Nitrates and Nitrites

On August 15, 2002, DES issued a Notice of Violation (NOV - copy enclosed) to the water system for the failure to submit the chemical samples during the assigned quarter. The NOV requested the water system to submit "make-up" chemical samples and to perform public notice of the violations pursuant to Env-Ws 351. The results of the "make-up" samples have been received by DES. To date, however, proof that public notice of the violations were performed has not been received by DES, thus placing the water system in violation of Env-Ws 351.

DES believes the public notice deficiency can be corrected by taking the following actions:

By February 10, 2003, provide public notice of the failure to submit the Second Quarter 2002 Nitrate and Nitrite samples, as specified on the enclosed form; and

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2. **By February 24, 2003**, provide proof of public notice to DES, as specified on the enclosed form.

In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Jeanne D. Lawson
Department of Environmental Services
Water Supply Engineering Bureau
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Jeanne Lawson at (603) 271-6703 or by email at jlawson@des.state.nh.us, if you have any questions regarding this letter.

Sincerely,

COPY

Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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Enclosures: Public Notice Form
August 15, 2002 Notice of Violation

cc: Gretchen Rule, DES Legal Unit (w/o enclosures)
Elizabeth Duffy Smiley, Town of Auburn Health Officer (w/o enclosures)
Restaurant Licensing Bureau, DHHS (w/o enclosures)
EPA, Region 1 (w/o enclosures)